

1 **PROVIDENCE CITY COUNCIL MEETING**

2 **March 8, 2016 6:00 p.m.**

3 **15 South Main, Providence UT**

4  
5 Call to Order: Mayor Calderwood

6 Roll Call of City Council Members: Mayor Calderwood

7 Attendance: Kirk Allen, Jeff Baldwin, John Drew, Dennis Giles, Roy Sneddon

8 Pledge of Allegiance: Mayor Calderwood

9 Opening: Greg Jones

10  
11 **Approval of the minutes**

12 **Item No. 1.** The Providence City Council will consider approval of the minutes of February 23, 2016 City Council  
13 meeting.

14 **Motion to approve the minutes of February 23, 2016: J Drew, second – K Allen**

- 15 • Page 1 Line 51 the = they
- 16 • Page 3 line 5 as required
- 17 • Page 3 line 15 malfunctions and the system
- 18 • Page 4 line 34 upgrade the equipment
- 19 • Page 5 line 24 interviewed individually by

20 **Vote: Yea: K Allen, J Baldwin, J Drew, D Giles, R Sneddon**

21 **Nay: None**

22 **Abstained: None**

23 **Excused: None**

24 **Public Comments:** Citizens may appear before the City Council to express their views on issues within the City's  
25 jurisdiction. Comments will be addressed to the Council. Remarks are limited to 3 minutes per person. The total  
26 time allotted to public comment is 15 minutes. The City Council may act on an item, if it arose subsequent to the  
27 posting of this agenda and the City Council determines that an emergency exists.

- 28 • Chad Checketts, 765 Canyon Rd, Providence. Has been a resident of Providence for 16 years. Represent a  
29 growing grass roots movement. See attached statement.

30 **Business Items:**

31 **Item No. 1. Resolution 012-2016:** The Providence City Council will consider for adoption a resolution awarding the  
32 390 East Roadway Construction Project No. 15-024 (project location: 390 East from approximately 885 South to  
33 1000 South).

34 **Motion to approve Resolution 012-2016: J Baldwin, second – J Drew**

- 35 • Rob Stapley, Public Works Director, attended pre-bid meeting; three submitted bids. Of the three bids  
36 that came in, he saw no reason not to award the bid to LeGrande Johnson.
- 37 • J Drew and K Allen explained the location of the project.
- 38 • R Sneddon asked the price per linear foot. It is approximately 800 feet, averages \$700 - \$800 per linear  
39 foot.
- 40 • J Baldwin commented that if curb and gutter were added, it would cost significantly more.
- 41 • The current fence will be relocated and will be reused or replaced.

42 **Vote: Yea: K Allen, J Baldwin, J Drew, D Giles, R Sneddon**

43 **Nay: None**

44 **Abstained: None**

45 **Excused: None**

46 **Item No. 2. Resolution 013-2016:** The Providence City Council will consider for adoption a resolution awarding the  
47 Fuhrman Drive Improvements Project No 15-079.

48 **Motion to approve Resolution 013-2016 – J Baldwin, second – J Drew**

- 49 • R Stapley explained this had the same bidders as 390 East. This road is an existing asphalt road that is  
50 worn out. He reviewed elements of the project. One fire hydrant will be added. There will probably be  
51 one day of water service that will be interrupted. As individual service lines are interrupted, residents will  
52 be notified.

53 **Vote: Yea: K Allen, J Baldwin, J Drew, D Giles, R Sneddon**

Nay: None  
Abstained: None  
Excused: None

**Item No. 3. Resolution 010-2016:** The Providence City Council will consider for adoption a resolution amending the Providence City Corporation Department of Public Works Standards and Specifications Manual Drawing C-1A Downtown Street Cross-Sections by changing the cross-section for 400 South from 100 East west to 200 West.

**Motion to approve Resolution 010-2016: J Drew, second – J Baldwin**

- Mayor Calderwood explained the current minimum 66-foot street cross-section. The City asked if the street could be designed for less impact to adjacent residents. The proposal is 29-feet of asphalt with a 1.5 ft concrete ribbon; no curb or gutter, and no sidewalk. The proposed cross-section will need an ordinance change.
- Afton Carlson, 55 West 400 South, asked if the homeowners will be asked to pay for the improvements. Mayor explained this will come out of City funds. If curb and gutter is installed driveway cuts will be installed.
- Richard Eames asked about the design for the intersection at 400 South 100 East. Max Pierce, City Engineer, said neither option will cut anything off the intersection. With curb and gutter, the curb and gutter will wrap around the corner. With the concrete ribbon, it will taper into the asphalt; it will not extend into 100 East. The typical driveway approach is to replace the existing driveway as it is.
- Sharell Eames asked if they would be responsible to take out their curb and gutter. M Pierce said he would have to look at the property, but didn't think the 29' of asphalt width would impact the Eames curb and gutter.
- Mayor Calderwood explained the curb, gutter, and sidewalk option will impact some trees and properties.
- Ralph Daniels in favor of 29 feet; didn't want to move landscaping.
- Harvey Mohr asked about sidewalk placement on the property line. The right-of-way is roughly 99-feet. Max Pierce suggested putting the sidewalks about 3-feet off property line. With that being said, there was also the idea of bringing the sidewalk closer to the asphalt. The impact to the irrigation system has also been considered.
- Wes Bitters, said he was the only one on the south side of the street with a sidewalk. The new sidewalk would be in about the same place.
- Mearl Baer asked if the sidewalks would be on both sides. Under current ordinance they would be on both side.
- Patti Mock said she was much in favor of the 29-ft, because they would lose trees with the other options. She also expressed concern with speeding traffic if the street is widened. She also felt the 39-feet of asphalt would spoil the look of the area.
- Mayor Calderwood explained the 29-ft option eliminates the sidewalk.
- Harvey Mohr asked about catching the storm water periodically. M Pierce explained the storm water will flow as it always has.
- M Pierce explained they surveyed the right-of-way; and marked various positions of the sidewalk.
- J Baldwin felt without curb and gutter, the storm water will accelerate problems with washing out the sides of the road.
- K Allen stated again the water will behave as it does currently.
- R Daniels asked if the concrete ribbon would protect the asphalt, M Pierce said it would help preserve the asphalt.
- Afton Carlson asked if the curb and gutter go where the irrigation ditch is now. M Pierce said it will be closer to the street than the irrigation ditch.
- Connie Tibbitts asked if the citizens got a vote. The Mayor said he would ask for a show of hands.
- K Mohr asked about the 400 South / 100 West intersection elevations. M Pierce said the height of the intersection will be finessed as much as possible.
- Elaine Daniels asked about the life of the asphalt. M Pierce said the asphalt life would be the same in both options. Design life with maintenance is 20 to 25 years, but many roads last longer.
- Patti Mock felt that the sidewalk option would impose on everyone's yard (the right-of-way that has been enjoyed as yard).

- H Mohr asked if the trees would really be taken out and if the irrigation ditch would be interrupted. M Pierce explained the irrigation ditch would definitely be impacted, but it would be upgraded.
- W Bitters trees will definitely be impacted.
- K Allen felt the 29-ft option maintains the rural look with the trees, bushes, and grass up to the side.
- R Eames asked about pedestrians. K Allen explained they will walk where they walk now.
- J Baldwin did not feel the trees would be impacted 39 feet from the center line.
- R Daniels explained the survey markers definitely affected his yard.
- R Sneddon asked if the difference in cost would help with perspective. M Pierce explained the 39' of asphalt with curb gutter and sidewalk is roughly double in cost.
- K Mohr asked about 29' with curb and gutter and sidewalk and no park strip. M Pierce explained you would not be able to park on the street.
- Mearl Baer was concerned for pedestrians.
- K Allen explained even in sidewalk areas, many people walk in the roads.
- Patti Mock felt the wider version would need to be done over multiple years, where the 29 ft version could get done this year.
- Afton Carlson asked where the storm water goes. In the curb and gutter option the water would be collected, but the total design has not been done.
- If the 29-ft option is approved, someone building will build to the 29'; they will not have to put in curb, gutter, or sidewalk.
- J Drew reported he and the Mayor walked 400 South and looked where the sidewalks would be. J Drew did not think people would like the sidewalk option. He felt it would drastically change the look of the neighborhood. J Drew explained no sidewalk, curb and gutter would save about \$600,000.
- Patti Mock explained the sidewalk would be past her retaining wall.
- Bill Machent asked is if the barrier could be widened to act as the sidewalk. M Pierce expressed concern with sidewalk without a barrier.
- Jen Arnell asked if homeowners would be responsible for snow removal on the sidewalk. The Mayor said yes.
- Removing the stop sign at 400 South and Main increased speed.
- Gary Jensen felt the 2 foot retainer was the best scenario; but requested the city maintain the shoulder by grading it twice per year.
- Wayne Carlson asked about using curb and gutter instead of ribbon. M Pierce said with 29' of asphalt and curb and gutter, street parking would be limited, also adding curb and gutter would significantly increase cost.
- J Baldwin felt adding more pavement with the slope would accelerate the storm water problems. M Pierce agreed. J Baldwin felt it was a long term maintenance issue.
- J Drew asked about swales. M Pierce said they could strategically place them, but they may impact the irrigation and trees.
- Mayor Calderwood read the resolution.

Straw vote of the audience: all but 2 wanted the 29-ft option.

**Vote:**   **Yea:**               **K Allen, J Drew, D Giles, R Sneddon**  
              **Nay:**               **J Baldwin**  
              **Abstained:**       **None**  
              **Excused:**       **None**

- Richard Eames felt it was a positive move to have a personal invitation to give comment.

**Item No. 4. Resolution 014-2016:** The Providence City Council will consider for adoption a resolution approving an interlocal agreement between Millville City and Providence City for the purpose of assigning maintenance and ownership responsibilities to Providence City's sewer line that runs through Millville city limits.

**Motion to approve Resolution 014-2016: K Allen, second – J Baldwin**

- S Bankhead explained the request to relocate a city sewer line that exists in Millville City limits. She explained this is relocating the sewer line, not adding services to the line.
- R Stapley explained an existing active sewer line can be moved while active. R Stapley explained putting the sewer line under the street makes better access to the area. R Stapley said it was reviewed in ESR.

**Vote:** Yea: K Allen, J Baldwin, J Drew, D Giles, R Sneddon  
Nay: None  
Abstained: None  
Excused: None

**Item No. 5. Resolution 011-2016:** The Providence City Council will consider for adoption a resolution increasing the charge for emergency communication from \$2.00 to \$3.00.

**Motion to approve Resolution 011-2016: J Baldwin, second – D Giles**

- J Baldwin felt the consensus from the last meeting was not to continue absorbing the \$1.
- K Allen explained the City has also chosen not to raise sewer rates.
- This will add \$1 to everyone's E911 charge.

**Vote:** Yea: K Allen, J Baldwin, J Drew, D Giles, R Sneddon  
Nay: None  
Abstained: None  
Excused: None

**Item No. 6. Resolution 008-2016:** The Providence City Council will consider for adoption a resolution amending the Personnel Policy for Providence City by amending interviewing and selection by adding: a. If the open position is for the city administrator or public works director, the Mayor and one council member shall be part of the interview and selection process.

**Motion to approve Resolution 008-2016: R Sneddon, second – K Allen**

**Motion to approve is for the City Administrator, Public Works Director, Treasurer or Recorder, Mayor and one Council member selected by the City Council in an open meeting shall be involved in the interview process: R Sneddon, second – J Drew**

**Motion to include "any council member desiring to be involved in the interview process, but in no case less than one council member selected by the City Council": J Baldwin, second – R Sneddon**

- Three would require an open meeting with a closed session to discuss professional competence.
- K Allen felt this made the process cumbersome.
- J Baldwin felt everyone would still keep a fixed set of questions so every candidate would be asked the same questions. It allows collaboration on strong and weak points.
- K Allen felt it was appropriate for a pre-selection, but felt the final candidates should be interviewed by the Mayor and one council member, and whoever else the council chooses. K Allen asked why so in depth.
- J Baldwin felt it was being thorough when hiring for key positions, otherwise, things get missed.

**Motion amended to include "If the open position is for the City Administrator, Public Works Director, Treasurer, or Recorder, the Mayor and one council member selected by the City Council in an open meeting shall be part of the interview process; one additional council member may be involved in the interview process at their request": J Baldwin, second – R Sneddon**

**Vote:** Yea: J Baldwin, J Drew, D Giles, R Sneddon  
Nay: K Allen  
Abstained: None  
Excused: None

**Item No. 7. Ordinance 2016-003:** The Providence City Council will consider for adoption an ordinance amending Providence City Code Title 7 Chapter 4 Cemeteries pertaining to non-resident and resident space purchases.

**Motion to adopt Ordinance 2016-003: J Baldwin, second – D Giles**

- D Giles reported he called Wellsville and Hyrum they don't have anything similar to this.
- S Bankhead said there is a problem with people wanting to purchase spaces at the resident rate who aren't residents. Some people have sold the spaces back and then had a family member come in and purchase them at a resident rate. We also have residents coming in and purchasing spaces for non-residents. That's the biggest issue.

**Vote:** Yea: K Allen, J Baldwin, J Drew, D Giles, R Sneddon  
Nay: None  
Abstained: None  
Excused: None

**Staff Reports:** Items presented by Providence City Staff will be presented as information only.



- R Stapley reviewed his report. The green waste dumpster is not here yet, but should be soon. The mini excavator will be here in mid-April. We are purchasing a trailer.
- S Bankhead reviewed her report. J Baldwin asked about counter tops being added to the use chart. J Drew asked about totals. S Bankhead will check on the totals.
- Deputy Nyberg introduced himself. J Baldwin expressed concerns with the speed along 390 East north of 200 North. J Baldwin also felt 400 South had problems with speed.
- J Baldwin expressed concern with a young man that drives a black car; he has the plate number.

**Council Reports:** Items presented by the City Council members will be presented as informational only; no formal action will be taken. The City Council may act on an item, if it arose subsequent to the posting of this agenda and the City Council determines that an emergency exists.

- J Baldwin attended the library meeting. The library needs more space. He suggested relocating the library to this building. He looked at the park on 400 South Main which should be easy to improve. K Allen felt we needed to be careful that what we put on the top won't impact the well water. K Allen suggested it be a boy scout project.
- J Baldwin felt the post office and 400 West needs to be pursued. He also felt with tonight's action on 400 South, we need to have planning look at changing the ordinance for two lot developments and not require full improvements.
- K Allen also wanted to address the post office area.
- R Sneddon – no report.
- J Drew said there was quite a crowd at the last planning meeting. He has training for the elections tomorrow night and won't be able to attend planning. Discuss the caucus night conflict on March 22<sup>nd</sup>.
- J Drew reported he attended the Sewer Rate Committee meeting. Logan has never tackled a mechanical plant. J Drew felt the rate study looks at the rate study as an owner, the other cities are like renters. J Drew and Shawn Dustin expressed concern about being charged debt service, depreciation, etc. Mayor Brackner is interested in attending the three city meeting. J Drew felt Logan rate numbers may not be available in June.
- D Giles reported he received a letter from Dwight Cook who is opposed to the building the city purchased.
- Mayor Calderwood asked about rescheduling the 22<sup>nd</sup> meeting. If we need a meeting it will be the 29<sup>th</sup>.
- Mayor Calderwood felt Mayor Petersen is very upset that Providence received the money from the CCCOG. There were proposals to change the project selection process. The mayor's didn't care for the proposals.

**Executive Session Notice:**

The Providence City Council may enter into a closed session to discuss pending or reasonably imminent litigation as allowed by Utah Code 52-4-205(1)(c).

The Providence City Council may enter into a closed session to discuss professional competence or other factors allowed by Utah Code 52-4-205(1)(a).

The Providence City Council may enter into a closed session to discuss land acquisition or the sale of real property Utah Code 52-4-205(1) (d) and (e).

**Motion to enter into an executive session for the above reasons: K Allen, second - J Baldwin**

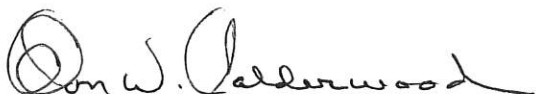
**Vote: Yea: K Allen, J Baldwin, J Drew, D Giles, R Sneddon**

**Nay: None**

**Abstained: None**

**Excused: None**

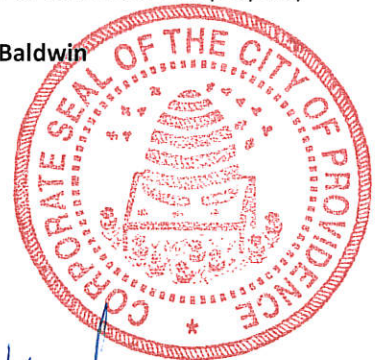
Minutes taken by S Bankhead; prepared by Caroline Craven.



Don W. Calderwood, Mayor



Skarlet Bankhead, City Recorder





City Council Meeting

**March 8, 2016**

## Please Sign In

Name	City of Residence
Kevin M. Opsahl	The Herald Journal
Weg/Bonnie Bittus	10 E 400 S
Glenn M. John	165 W 400 S
Kevin H. John	375 S 100 W.
Sharell Eames	Providence
Chad & Sherree Cheek	"
Tracy 15	Providence
Dwaine & Rpton Craspen	55 W 400 S
Bartney Gledhill	400 S
Jesse & Gary Jensen	PROVIDENCE
Brett Hadfield	Millville
LEONARD GREENLAND	
Elaine & Angels	Providence
Ralph & Janice	Providence
Peggy Giles	Providence
Jan & Brent Ornell	Providence





# Initiative Application

For Inclusion on the Municipal Ballot of Providence City Utah in the November 2016 Election

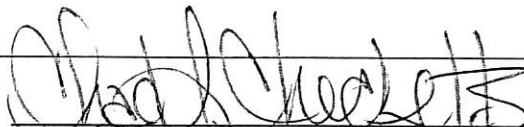
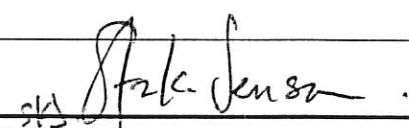
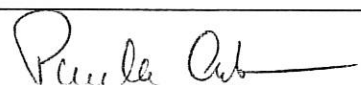
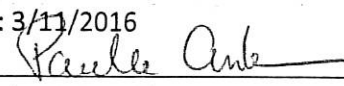

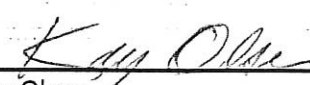
We, the undersigned, sponsor the following initiative titled:

## "City Manager Implementation Initiative"

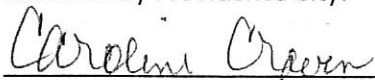
to be placed on the November 2016 ballot:

**"To realign responsibilities / authority of the Mayor and additional duties which have, over time, been assigned to the City Recorder and authorize the position of City Manager in Providence City to better provide for the needs of our growing community."**

With our notarized signatures, we attest that we are each registered voters residing within the community of Providence and have voted in a regular municipal election in Utah.

 Chad Checketts 765 Canyon Road Providence, Utah 84332 (435) 713-4434 Date: 3/11/2016	 Steve Jensen 855 S 400 E Providence, Utah 84332 (801) 725-6273 Date: 3/11/2016
 Paula Anderson 340 Fairwood Circle Providence, Utah 84332 (435) 770-2639 Date: 3/11/2016 	 Todd Theurer 58 E 200 S Providence, Utah 84332 (435) 757-0598 Date: 3/11/2016
 Kay Olsen 549 S 480 E Providence, Utah 84332 (435) 764-4129 Date: 3/11/2016	Notary

Received by Providence City:



Date: 3-11-16

Time: 4:00 pm

# Proposed Ordinance Changes

## Chapter 6, 1-6-4B, The Mayor:

*This is deleted:*

- ~~4. Except as modified by ordinance under UCA 10-3b-303(2), has the powers and duties described in UCA 10-3b-104; and~~
- ~~5. May, within budget constraints, appoint one or more administrative assistants to the mayor.~~

*This is added:*

4. Performs all duties prescribed by law, resolution or ordinance;
5. Ensures that all the laws, ordinances and resolutions are faithfully executed and observed;
6. When necessary, calls on the residents of the city over the age of twenty one (21) years to assist in enforcing the laws of the state and ordinances of the city;
7. Appoints, with the advice and consent of the city council, persons to fill vacancies on commissions or committees of the city, unless otherwise delegated to the city manager by ordinance;
8. Signs all city ordinances and resolutions, and the mayor is further hereby authorized to sign his name officially for and in behalf of the city to all deeds, bonds, bills, notes, contracts, leases and other writings to which the city is a party, when so directed by the city council.

# Proposed Ordinance Changes

## Chapter 6, 1-6-6, Council in A Six-Member Council

*This section is added:*

The Council May:

1. Pass all ordinances and rules and make all regulations not repugnant to law necessary for carrying into effect or discharging all powers and duties conferred by this chapter, and as are necessary and proper to provide for the safety and preserve the health, and promote the prosperity, improve the morals, peace and good order, comfort, and convenience of the city and its inhabitants, and for the protection of property in the city.
2. Adopt rules and regulations, not inconsistent with statute, for the efficient administration, organization, operation, conduct, and business of the municipality;
3. Prescribe by resolution additional duties, powers, and responsibilities for any elected or appointed municipal official, unless prohibited by statute;
4. Require by ordinance that any or all appointed officers reside in the municipality;
5. Create any office that the council considers necessary for the government of the municipality;
6. Provide for filling a vacancy in an elective or appointive office;
7. Perform any function specifically provided for by statute or necessarily implied by law;
8. Provide for enforcement of obedience to the ordinances with fines or penalties in accordance with UCA 10-3-703.
9. Exercise any executive or administrative power and perform or supervise the performance of any executive or administrative duty or function that has not been given to the Mayor as set forth in UCA 10-3b-303.

## Proposed Ordinance Changes

### Chapter 7, 1-7-1 Creating Offices; Filling Vacancies:

*This section is deleted:*

~~B. Mayor to Appoint and Fill Vacancies: The Mayor, with the advice and consent of the City Council, may appoint and fill vacancies in all offices provided for by law or ordinance.~~

*This moves up and becomes B:*

C. Continuation in Office

DRAFT

## Proposed Ordinance Changes

### Chapter 7, 1-7-9 Supervision:

*This section is deleted:*

~~1-7-9 SUPERVISION: The Mayor shall supervise the official conduct of all officers of the City and investigate or cause to be investigated and present any complaint to the City Council, together with the results of the investigation, at the next regular meeting of the City Council after the complaint is received by him. (1977 Code 3-623)~~

DRAFT

# Proposed Ordinance Changes

## Chapter 12, City Manager

*These sections are deleted:*

~~SECTION 1. Title 1 Chapter 12 City Manager is repealed.~~

~~SECTION 2.~~

*These sections are added:*

- 1-12-1: Appointment
- 1-12-2 Term of Office
- 1-12-3 Residency
- 1-12-4 Compensation
- 1-12-5 Powers and Duties
- 1-12-6 Acting City Manager
- 1-12-7 Removal From Office
- 1-12-8 Employment Agreement
- 1-12-9 Resignation
- 1-12-10 Other Employment

There is hereby created in and for the city the office of city manager. The city manager shall be appointed by the governing body (city council) and shall serve at its pleasure.

### 1-12-1 APPOINTMENT:

The city manager shall be appointed by the city council (herein defined as the mayor and city council). The city council shall approve the employment contract entered into with the city manager and the mayor shall sign the approved employment contract on behalf of the city.

### 1-12-2 TERM OF OFFICE:

The city manager shall serve at the pleasure of the governing body. Except as otherwise provided and/or subject to the provisions of contract, any person serving as manager of the municipality under this article may be removed with or without cause by a majority vote of the governing body.

### 1-12-3 RESIDENCY:

Residency in the city at the time of appointment of a city manager shall not be required as a condition of appointment.

### 1-12-4 COMPENSATION:

The city manager shall receive such compensation as the city council shall, from time to time, determine. In addition, the city manager shall be reimbursed for all actual and necessary expenses incurred in the performance of official duties.

### 1-12-5 POWERS AND DUTIES:

Under the direction and control of the city council, the city manager shall be responsible for the



efficient management of all administrative affairs of the city. In addition to the general powers as chief administrative officer, the city manager shall have the following powers, duties and obligations:

- (a) **Enforcement:** The city manager shall faithfully execute and enforce all applicable laws, ordinances, rules and regulations, and see that all franchises, leases, permits, contracts, licenses and privileges granted by the municipality are observed.
- (b) **Authority For Employees:** It shall be the duty of the city manager, and the city manager shall have the authority, to control, order and give directions to all heads of departments and to subordinate officers and employees of the city through their respective department heads.
- (c) **Power Of Appointment And Removal:** It shall be the duty of the city manager to appoint, remove, promote and demote any and all officers and employees of the city, subject to all applicable personnel ordinances, rules and regulations, except for the positions of city recorder, city treasurer, city attorney, city engineer, justice court judge and city department heads, which shall only be appointed, demoted or removed with the advice and consent of the city council.
- (d) **Direct And Supervise Administration:** It shall be the duty of the city manager to direct and supervise the administration of all departments, offices and agencies of the city, except as otherwise provided by law.
- (e) **Administrative Reorganization Of Offices:** It shall be the duty and responsibility of the city manager to conduct studies and implement such administrative reorganization of offices, positions or units under the city manager's direction as may be indicated in the interest of efficient, effective and economical conduct of the city's business.
- (f) **Implement And Recommend Policies And Programs:** The city manager shall carry out the policies and programs established by the city council. The city manager shall submit to the city council plans and programs relating to the development and needs of the city.
- (g) **Policy Proposals:** To propose plans and programs concerning the development, operation and needs of the city and submit such plans to the governing body to be approved and developed as policy.
- (h) **Ordinances:** The city manager shall recommend to the city council for adoption such measures and ordinances necessary for the efficient management of administrative affairs.
- (i) **Council Meetings:** It shall be the duty of the city manager to attend all meetings of the city council, unless excused therefrom by the mayor or the city council, and to take part in the discussions and to recommend matters for adoption by the city council, but without the right to vote.
- (j) **Financial Reports:** It shall be the duty of the city manager to keep the city council fully advised at all times as to the financial condition and needs of the city. The city manager shall prepare and submit monthly financial reports to the city council for their information and review.
- (k) **Budget:** The city manager shall prepare and submit the proposed annual budget and capital improvements program to the city council for their approval and in accordance with all state laws and regulations. The city manager shall serve as the city budget officer.
- (l) **Expenditure Control And Purchasing:** It shall be the duty of the city manager to manage all expenditures in accordance with state law and the city purchasing policy.
- (m) **Investigations And Complaints:** It shall be the duty of the city manager to make investigations into the affairs of the city, or any department or division thereof, and also any contract for the proper performance of any obligations of the city. Further, it shall be the duty of the city manager to investigate all complaints in relation to matters concerning the administration of the city government. The city manager shall examine and inspect the books, records and official papers of any office, department, agency, board or commission of the city and make investigations and require reports from all personnel.
- (n) **Property:** To keep or cause to be kept a current inventory showing all real and personal property of the city and its location. The city manager shall be responsible for the care and

custody of all such property, including equipment, buildings, parks and all other city property which is not by law assigned to some other officer or body for care and control.

- (o) Emergencies: The city manager shall notify the city council of any emergency that may arise in the city.
- (p) Additional Duties: It shall be the duty of the city manager to perform such other duties and exercise such other powers as may lawfully be delegated to the city manager from time to time by ordinance or resolution or other official action of the city council.
- (q) Reports to the city council the condition of the city and recommend for city council consideration any measures that the mayor considers to be in the best interests of the city.

#### 1-12-6 ACTING CITY MANAGER:

The city manager shall appoint, with the approval of the city council, an acting city manager to serve in the absence or temporary incapacity of the city manager. The acting city manager shall have all the powers and duties of the city manager, but shall consult with the mayor regarding decisions of major impact on the city. The mayor shall act as city manager in the event of absence or temporary incapacity of both the city manager and the acting city manager.

#### 1-12-7 REMOVAL FROM OFFICE:

The removal of the city manager shall be effected only by a majority vote of the city council convened in a regular city council meeting, except that the city manager shall not be removed from office during, or within a period of, ninety (90) days after the date newly elected officials take office after a municipal election. The purpose of this provision is to allow any newly elected member of the city council to directly observe the actions and ability of the city manager to perform the duties described herein. After the expiration of the ninety (90) day period, the city manager may be removed from office. The city council may, without any particular showing of cause, remove the city manager from office. The city council's action shall be final.

#### 1-12-8 EMPLOYMENT AGREEMENT:

Nothing in this chapter shall be construed as a limitation on the power or authority of the city council to enter into any supplemental agreement with the city manager delineating additional terms and conditions of employment not inconsistent with any provisions of this chapter.

#### 1-12-9 RESIGNATION

Before voluntarily resigning from the position of city manager, the city manager shall give the city council at least thirty (30) days notice in writing of his or her intent to resign.

#### 1-12-10 OTHER EMPLOYMENT

The city manager shall not accept any outside employment in addition to employment by the city without prior annual written approval of the city council.



# NOTARY ACKNOWLEDGMENT

## DESCRIPTION OF THE ATTACHED DOCUMENT

Title or Type of Document Initiative Application

Document Date 3/11/16

Number of Pages 8

## ACKNOWLEDGEMENT

State of Utah

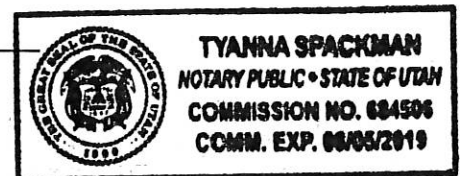
County of Cache

On this 11<sup>th</sup> day of March in the year 2016

before me, Tyanna Spackman a notary public,  
personally appeared Chad Checketts, and proved  
on the basis of satisfactory evidence to be the person(s) whose name(s) (is/are) subscribed to this  
instrument, and acknowledged (he/she/they) executed the same.

Tyanna Spackman

Notary Signature



Notary Seal



## NOTARY ACKNOWLEDGMENT

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### ACKNOWLEDGEMENT

State of Utah

County of Cache

On this 11<sup>th</sup> day of March in the year 2016

before me, Tyanna Spackman a notary public,  
personally appeared Steve Jensen, and proved  
on the basis of satisfactory evidence to be the person(s) whose name(s) (is/are) subscribed to this  
instrument, and acknowledged (he/she/they) executed the same.

Tyanna Spackman

Notary Signature



Notary Seal



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### ACKNOWLEDGEMENT

State of Utah

County of Cache

On this 11<sup>th</sup> day of March in the year 2016

before me, Tyanna Spackman a notary public,

personally appeared Paula Anderson, and proved

on the basis of satisfactory evidence to be the person(s) whose name(s) (is/are) subscribed to this instrument, and acknowledged (he/she/they) executed the same.

Tyanna Spackman

Notary Signature



Notary Seal



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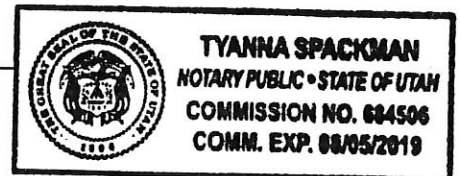
County of Cache

On this 11<sup>th</sup> day of March in the year 2016

before me, Tyanna Spackman a notary public,  
personally appeared Todd Thener, and proved  
on the basis of satisfactory evidence to be the person(s) whose name(s) (is/are) subscribed to this  
instrument, and acknowledged (he/she/they) executed the same.

Tyanna Spackman

Notary Signature



Notary Seal





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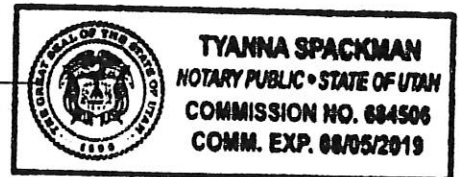
County of Cache

On this 11<sup>th</sup> day of March in the year 2016

before me, Tyanna Spackman a notary public,  
personally appeared Kay Olsen, and proved  
on the basis of satisfactory evidence to be the person(s) whose name(s) (is/are) subscribed to this  
instrument, and acknowledged (he/she/they) executed the same.

Tyanna Spackman

Notary Signature



\_\_\_\_\_  
Notary Seal

